

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, OCTOBER 21, 2009 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2009-May 2010	
		Present	Absent
Tom Welch, Chair	A	3	2
Patrick McTigue, Vice Chair	P	5	0
Catherine Maus	P	3	1
Rochelle Golub	P	4	1
Maria Freeman	A	3	2
Fred Stresau	P	5	0
Mike Moskowitz	P	5	0
Michelle Tuggle	P	5	0
Peter Witschen	A	4	1

Staff

Greg Brewton, Director of Planning and Zoning
Thomas Lodge, Planner II
Yvonne Redding, Planner II
Michael Ciesielski, Planner II
Sharon Miller, Assistant City Attorney
Mike Fayyaz, Assistant City Engineer
Carol Ingold, Parks & Recreation Department
Tom White, City Landscape Architect
Malik Mohammed, Structural Plans Examiner
Cheryl Felder, Service Clerk
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None at this time.

Index

	<u>Case Number</u>	<u>Applicant</u>
1.	33-R-09** *	Shepherd of the Coast Lutheran Church, Inc. / City of Fort Lauderdale
2.	4-P-09	City of Fort Lauderdale / Flagler Heights Park
3.	10-Z-09** *	City of Fort Lauderdale / Flagler Heights Park
4.	2-T-09*	City of Fort Lauderdale
5.	58-R-09** *	City of Fort Lauderdale

6. 57-R-09** Ayda Weiss, LLC
7. 6-P-09** City of Fort Lauderdale / Evergreen Cemetery
8. Communications to the City Commission
9. For the Good of the City

Special Notes:

Local Planning Agency (LPA) Items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial Items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

Call to Order

Chair Welch called the meeting to order at 6:36 p.m. Roll was taken and all stood for the Pledge of Allegiance.

Chair Welch noted that Case 7-Z-09, a Broward County rezoning request, has been withdrawn from tonight's Agenda by the Applicant.

In addition, the Applicant for Item 1 on tonight's Agenda has requested to defer that Item until the November 18, 2009 meeting.

Motion made by Ms. Golub, seconded by Vice Chair McTigue, to defer Item 1 until the November 18, 2009 meeting. In a voice vote, the **motion** carried unanimously.

Motion made by Mr. Witschen, seconded by Vice Chair McTigue, to approve the minutes of the September 16, 2009 meeting. In a voice vote, the **motion** carried unanimously.

It was determined that because Items 2 and 3 are related, they would be presented together.

2. **City of Fort Lauderdale/Flagler Heights Park** **Thomas Lodge** **4P09**

Request: Vacation of Alley

Legal That portion of the 15 foot alley in Block 3, "AMENDED
Description: PLAT OF BLOCKS
 1,2,3,4,5,6,7,8,25,26,27,28,29,30,31 and 32, of
 NORTH LAUDERDALE", according to the plat thereof,
 recorded in P.B. 1, P. 182, of the Public Records of
 Miami-Dade County, Florida. Lying north of the south
 line of Lot 4 of said Block 3; all less the north 20.00
 feet thereof

Address: 310 NE 6 Street

General Located on the Southeast corner of NE 6 Street and
Location: NE 3 Avenue

District: 2

3. **City of Fort Lauderdale/Flagler Heights Park** **Yvonne Redding** **10Z09**

Request: ** * Rezone from RAC-CC to Park

Legal All of Lot 1,2,3,4 and Lot 5 less the south 10 feet
Description thereof. And Lot 23,24,25 and 26 less the west 10
 feet thereof, Block 3, Along with the vacated alley as
 provided in 4-P-09, Amended plat of North
 Lauderdale, according to the plat thereof as recorded
 in P.B. 1, P. 182, of the Public Records of Dade
 County, Florida

Address 310 NE 6 Street

General Location Located on the Southeast corner of NE 6 Street and
 NE 3 Avenue

District: 2

Disclosures were made, and any members of the public wishing to speak on these Items were sworn in.

Mike Fayyaz, representing the City, stated that properties were purchased in 2005 to become Flagler Heights Park. They are currently divided into two spaces, with a 15 ft. alley and overhead electrical lines creating this division. To develop a safe, unified Park, the City is requesting the partial vacation of the alley, along with provision of an easement to construct a connection to NE 4th

Avenue. The City's Property and Right-of-Way Committee reviewed and approved these requests in 2008.

Staff has met with homeowners' associations and representatives of the two abutting properties to the south of the Park. They have agreed to make improvements to the projects' design to accommodate some of the property owners' concerns, including additional signage, using brick pavers rather than asphalt in the alley, and keeping the "drivable" portion of the alley at least 20 ft. away from the property line. A loading zone for City maintenance vehicles will be created, with signage restricting parking to these vehicles only.

The City has met with utility companies and made provisions to remove the existing overhead wiring and poles, placing them underground in a new 10 ft. utility easement centered in the proposed vacated alley. The City has received additional grants for improvements to the Park, and anticipates constructing these improvements before September 2010.

Mr. Stresau noted that the sketch of the area provided in the Board's information packet was different than the sketch displayed on the screen. Mr. Fayyaz clarified that the Board's copy shows the correct plan.

Mr. Fayyaz moved on to the rezoning proposal for Flagler Heights Park, explaining that the properties are currently zoned RAC-CC, Regional Activity Center, which permits a multitude of uses. As part of the land acquisition, the City agreed to seek rezoning to P, or Parks, Recreation and Open Space. This will comply with a provision of the City's Comprehensive Plan, which recommends P zoning for all City Parks.

Ms. Golub asked if a piece of land to the southwest is part of the City's property. Mr. Fayyaz stated this was private property, and the City's property line ends with its landscaping; however, the land to the east is owned by the City.

Thomas Lodge, Planner, addressed the vacation of the alley, stating that the City normally does not support requests for partial vacations; however, the Applicant meets the criteria for such a vacation, and is providing an access easement to sufficiently retain traffic through the alley.

Staff Conditions are as follows:

1. Utility easements shall be retained within the vacated segment of the alley;
2. An access easement shall be granted to retain traffic circulation through the alley;
3. Two "Do Not Enter" signs will be placed on both sides of the privately owned driveway;

4. A "One-Way" sign will be placed in the alley to keep the flow of traffic going one way through the proposed access;
5. The new one-way access will be all pavers;
6. The two parking spaces in the new access easement will be reserved for City vehicles only;
7. The landscaping along the alley will be designed with the input of the owners for the building at 521 NE 4th Avenue.

Yvonne Redding, Planner, addressed the rezoning request, stating this would bring the Park into compliance with the City's Comprehensive Plan. The City will maintain the new access presented by Mr. Lodge as well as the Park.

Ms. Golub asked if it is typical for the City to consult with private property owners regarding landscaping issues. Mr. Lodge explained they will meet with owners if it is requested. Director Brewton added that the City met with these property owners and discussed the level of landscaping that would be found acceptable by all.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

Bill Rotella, representing the Red Cross Building, advised that as a driveway will be created outside the building, the agreement is to create a landscaping buffer between the driveway and the building. There will be 20 ft. between the alley and the property line, with the exception of the City vehicles' parking spaces, which will be approximately 17 ft. away.

Ms. Golub noted that there is presently a wire fence, with no landscaping, along the property line, and stated she is "less inclined" to support any City action that might improve the building's view by creating a "negative impact" on the Park. Mr. Rotella pointed out that the City had taken some years to "clean up" the area that will now become the Park, and that the landscaping agreement had been discussed during recent meetings with the City but not entered into public record until this time.

Pat Hayes, owner of the building to the west of the Park parcel, stated she had expressed a concern at a previous meeting for the "through traffic" that may result from the alley's relocation. Since that time, Staff has agreed to post "Do Not Enter" signs to address this concern.

~~She added that like Mr. Rotella, she had waited to remodel her property until construction was complete on the Park property and the alley.~~

There being no other members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Maus, seconded by Mr. McTigue, to approve Items 2 and 3 with Staff Conditions.

In a roll call vote, the **motion** to approve Item 2 carried unanimously.

In a roll call vote, the **motion** to approve Item 3 carried unanimously.

4. City of Fort Lauderdale

Thomas Lodge

2T09

Request: *

**Unified Land Development Regulations Text Amendment:
*Correct Section reference .***

47-24.1.Table 1

47-24. Development Permits and Procedures. >> 1.
Generally. >> Table 1. Development Permits and
Procedures

General
Location

Citywide

District:

All

Thomas Lodge, Planner, explained that this Item proposes a Text Amendment to the ULDR, and more such Items will be proposed in the coming months. The Planning and Zoning Department is examining the Code to determine if changes should be made. It has been determined that the adequacy review for Section 47.24.1 is incorrectly referenced, and the correct section should be listed as 47.24.2.

Director Brewton added that the Department made a recent attempt to rewrite the Code, which was a "lengthy and painful process;" at that time it was acknowledged that the Code would need to be "tweaked" at a later date to ensure nothing was missed. Staff is currently examining the Code to find minor errors such as this. The process is being undertaken in association with the rewriting of neighborhood criteria. He concluded that eventually the result will be an improved Code that will refer individuals to the correct sections.

As there were no questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Golub, seconded by Ms. Freeman, to approve Item 4. In a roll call vote, the **motion** carried unanimously.

5. City of Fort Lauderdale Michael Ciesielski 58R09

Request(s): * * * **1. Public Purpose Use Approval -relief from bufferyard requirements, i.e., relief from the requirement of erecting a wall where non-residential property abuts property that is zoned and used for residential**

2. Site Plan Level III-Increase in the maximum height allowed for structures, specifically light standards, in a "P" zoning district from 60' to 80'

Legal
Description:

Parcel "A", Osswald Park, P.B. 143, P. 29, less the Tyrone Bryant Branch Library, and less the additional Right-of-Way as dedicated by Broward County Resolution # 90-3490 as recorded in the Official Records Book # 17975, Page 962 of Broward County, and less the parcel of land located in the NE corner of Parcel "A" described in a Quit Claim Deed recorded in Official Records Book 18487, P. 171, of the Public Records of Broward County.

Address:

2220 NW 21 Avenue

General
Location:

East side of NW 21 Avenue between NW 22 and NW 26 Streets

District:

4

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Mr. Fayyaz, representing the City, stated that Oswald Park is a recent addition to the City; the 25.5 acre Park was included in the annexation of unincorporated Broward County in 2005. Prior to this, it was part of the Broward County Park System for over 30 years, and includes a softball field, all-purpose field, three-hole golf course, playground, community facilities, and tennis and basketball courts.

The City proposes to improve the existing Park by replacing the current playground with new equipment and surfacing, and reconstruction and

reconfiguration of the sports fields with new lighting systems. The visual character of the Park will remain essentially the same, Mr. Fayyaz asserted. The sports field lighting would incorporate green technology and minimize both glare and power consumption, using eight 80 ft. poles and providing control of the lights from an alternate location via computer or phone.

The only residential property abutting the Park lies to the north, and is a two-story multi-family dwelling at NW 21st Avenue. The closest pole to this building is roughly 70 ft. from the north property line; the proposed 80 ft. light poles would be placed approximately 180 ft. from this property line. The lighting would generate 0.6 foot candle at the property line, the maximum amount permitted. The residential building is located more than 30 ft. from this property line and more than 210 ft. from the proposed lights.

The Park is presently zoned under Broward County S-2; the City has initiated rezoning to City zoning P, which would permit light poles up to 60 ft. in height. The City requires the installation of a 5 ft. wall separating the residential property from the Park. Staff has met with all affected property owners, and the project was "well-received and well-supported" by these individuals.

The City has received grants, with a deadline of May 1, 2010, for part of the proposed improvements. In addition to installation of the 80 ft. light poles, they are also requesting public purpose relief from construction of a wall along the residentially zoned properties.

Ms. Golub asked if the existing 60 ft. high lights are already in use. Mr. Fayyaz confirmed this, stating there are 10 such poles in the Park. Ms. Golub asked if the new lights would be expected to have less spillage than the present lights, to which Mr. Fayyaz replied he could not testify, as the spillage of the current lights has not been measured.

He added that the reasons for proposing the new lights are not limited to spillage only: the existing lights are arranged within the multi-purpose field in a manner that only allows for certain areas of the field to be used. The new poles would create a "large, open play area," and the new lights will have no more spillage than allowed by Code.

Ms. Golub asked if the City anticipates that installation of the lights would create more attendance in the Park, therefore creating a traffic problem. Mr. Fayyaz responded that he could not answer this question, but explained that the City hopes the new lights would allow for better use of the existing fields. At present, unlighted areas of the fields are sometimes used for play, creating a safety issue. The fields would also be marked to allow for participation in different sports.

Mr. Fayyaz continued that the lights are now turned on and off manually; permission is required to have them turned on, and they are turned off by attendants at 10 p.m. through use of a "coaches' switch."

Ms. Golub inquired if there has been any community input regarding the proposed new lights. Carol Ingold, representing the Parks and Recreation Department, advised the City has met with the Rock Island Association and the City of Oakland Park, as well as the homeowners' association that includes the adjacent property. They have also met with the Vice Mayor and Planning Director of Oakland Park.

She explained that the City had shared photometrics of the existing and new lights in order to show how the 80 ft. lights are focused more directly on the field. In addition, the 60 ft. lights do not provide uniform lighting for the fields, and can contribute to a glare in players' eyes, both of which can create a hazard. The 80 ft. lights also use fewer poles.

Ms. Ingold concluded that realignment of the fields also improves them. Usage will be by permit only in order to better coordinate use, and the turf will consist of Bermuda grass instead of the current mixture.

Vice Chair McTigue asked to be shown where relief from the wall is being requested. Mr. Fayyaz pointed this out on the map, noting that only two lots are affected. He continued that the City had made a presentation to the appropriate homeowners' association the previous night, at which the members were "receptive to the idea" and liked some of the changes to the Park.

The reason the City is requesting relief from constructing the wall, he added, is that they generally do not like to place walls around parks because an open area allows for greater visual surveillance.

Mr. Stresau recalled that the City had requested relief from walls on previous occasions, but pointed out that those requests were made for "purely Park land," while in the present instance roughly 30 cars would be left facing the property line. He noted that a hedge could serve to soften the impact of the lights on a residential area, and could be maintained at a lower level. He felt this would be a consideration in lieu of the wall.

Mr. Fayyaz agreed that the Parks and Recreation Department plans to plant over 200 trees and other plant material in the Park, some of which will be in the area Mr. Stresau had mentioned. He added that these would not be so dense as to limit surveillance.

Ms. Tuggle asked if the existing use(s) of the Park would be changed. Mr. Fayyaz confirmed these would remain the same.

Michael Ciesielski, Planner, stated that the public purpose request for the Park would require the City Commission's approval, as it involves Site Plan Level 4. Once the Board has made a determination on this issue, the Applicant must respond to the criteria in 47.18.26 for public purpose use. The request for an increase in maximum height of structures may be approved by the Board, although it is subject to review by the City Commission. It must meet the criteria for adequacy requirements and neighborhood compatibility in 47.25.3.

Mr. Stresau referred to the City Commission meeting held on October 20, 2009, and requested that Mr. Ciesielski explain the discussion at that meeting with regard to changing the zoning of a particular parcel in order to allow the Board to review the height of the light poles. Director Brewton explained that the case to which Mr. Stresau referred involved an amendment suggested by a mediation settlement agreement. This allows a property owner to request extension of the 60 ft. height limitation through Site Plan Level 3, with the exception of CFHS zoning. An amendment to the Code would allow the property owner of sites with this zoning to make the same request.

Mr. Ciesielski stated that the zoning currently around the site is Broward County zoning. To the east, it is predominantly industrial; to the west, it is B-2 (business); and to the north, it is residential. Ms. Golub observed that the positioning of the lights and fields are toward the sole residential area nearby. She requested an explanation regarding the light spillage, stating that on the drawings she could not see where this might occur.

Ms. Freeman briefly departed the meeting at this time (7:21 p.m.).

Mr. Fayyaz stated that Code requires no more than one foot candle of spillage at the property line; the new poles would provide 0.6 foot candle of spillage.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Maus, seconded by Ms. Golub, to approve the Application with Staff Conditions.

Chair Welch asked Mr. Stresau if he felt his suggestion of a landscaping buffer was adequately addressed. Director Brewton proposed that it would be appropriate to add this as a Condition.

Ms. Maus **amended** her **motion** to include the additional Condition that there be a landscaping focus on the north edge of the property abutting the residential area, in front of the vehicular use area. Ms. Golub **seconded** the **amendment**.

In a roll call vote, the **motion** carried 8-0 (Ms. Freeman briefly absent).

6. Ayda Weiss, LLC.

Yvonne Redding

57R09

Request: **

Site Plan Review / Use in the ROC

**Legal
Description**

North 27.4 Feet of Lot 17 and South 33.6 Feet of Lot 18, Block 26, Croissant Park, according to the plat thereof as recorded in P.B. 4, P. 28 of the Public Records of Broward County, Florida

Address:

1409 SE 1 Avenue

**General
Location:**

East of South Andrews Avenue, between SE 14 and SE 15 Streets

District:

4

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Jay Weiss, representing the Applicant, stated that this property is located across the street from the parking lot of Broward General Hospital. At the time of purchase, the main front building was a professional office, and the back building was a small residence. Mr. and Mrs. Weiss have elected to seek a change of use to allow the front building to be a medical office, and have undertaken to bring the building into Code compliance for this change of use. They are seeking to finalize this change.

Ms. Redding stated the change of use from professional office to medical office is allowed in the ROC zoning District; the Application is before the Board because any change of use requires approval of Site Plan Level 3 review. The residence will be retained by the owners, who are in the permitting process to make changes to the driveway and building.

Mr. Witschen asked how many parking spaces can be accommodated at the site. Ms. Redding advised that a parking agreement is in process between the Applicant and the Broward Hospital District; it is awaiting approval upon the determination of the Site Plan change. She added that the parking agreement could be amended if more parking spaces were needed.

Ms. Freeman rejoined the meeting at this time (7:29 p.m.).

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Maus, seconded by Ms. Golub, to approve the Application. In a roll call vote, the **motion** carried unanimously.

7. City of Fort Lauderdale / Evergreen Cemetery Yvonne Redding 6P09

Request: ** Site Plan Level III/Right-of-Way Vacation (located throughout the Cemetery)

Legal Description Evergreen Cemetery First Add, 19-7B, All Block 34 to 51

Address: 1300 SE 10 Avenue

General Location: East of SE 10 Avenue and North of SE 14 Place

District: 4

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Jane Storms, representing the Applicant, explained that the request is for the vacation of rights-of-way within Evergreen Cemetery which have been part of the facility since its original plat. Many of them have not been improved, and the request is to vacate some of these in order to make way for approximately 500 new spaces.

Ms. Redding stated that the rights-of-way in question are not currently used, but are part of the cemetery's landscaping.

Ms. Golub requested clarification of the areas to be vacated, asking if this will create a cemetery that "people just walk across." Ms. Storms explained that the rights-of-way are 20 ft. in width, 5 ft. of which is being used as a "grassed walking area;" the additional 15 ft. would allow for internments.

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

Michael Nardone, private citizen, stated his residence is adjacent to Evergreen Cemetery, and he would like to know if the right-of-way vacation would have any

impact on the vegetation on the west side of Cliff Lake. Ms. Storms assured him that none of this vegetation would be affected.

There being no other members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Ms. Golub asked if the cemetery is considered historic. Ms. Storms responded that this is not the case, and clarified that of the 20 ft. right-of-way vacation, 5 ft. will be left for "private ingress/egress."

Ms. Golub asked if the intent of the vacation is to leave a walkway that is narrower than the present 20 ft.

John Banas, contractor, explained that all the roads currently in use within the cemetery are paved. Those rights-of-way not in use are grass. A vacation done in 1985, also intended to create room for more spaces, is similar to the one presently before the Board.

He pointed out that graves in Evergreen Cemetery are 15 and 10 ft., which means some paths would provide two rows of 10 ft. graves, using all 20 ft.; other sections allow for 15 ft. graves, and would leave room for a 5 ft. walkway. He added that these are not paved and are not easily distinguishable within the facility without use of a map.

Mr. Witschen requested further explanation of the 1985 vacation. Mr. Banas advised that the cemetery's roads once extended to the alley on the north side of the property; these roads were vacated and now provide space for graves.

Mr. Stresau noted that it's easy to see where to walk in the cemetery, as vegetation defines the 20 ft. grass easements. He pointed out that vacating these areas would make it more difficult to determine where to walk into the internal portions of the cemetery without walking over graves.

Mr. Banas explained that the State requires graves to be no less than 8 ft. in length, which is the usual size at most private cemeteries in Broward County. He asserted that the longer length is one factor that makes Evergreen Cemetery "a special place." Only about nine of the 10-15 ft. of grave space is actually used, which facilitates walking between graves.

Director Brewton stated that the cemetery's zoning is CFI, and the issues being raised are "site planning issues." Mr. Stresau explained that he wished to know what would happen in the vacated space if the Board chooses to approve the request. Director Brewton replied that this is a conditional use approval, and "if it doesn't fall under Administrative, it [will] need to come back to this Board as a Site Plan."

Mr. Banas advised that 80% of the spaces used in the vacation will be 15 ft. graves alongside a 5 ft. path. Mr. Stresau observed that some people would be "disturbed" by placement of graves in a former easement, and that attendees of a large funeral service would no longer have a "clearly...defined" space in which to walk.

Mr. Witschen added that he would be "troubled" with vacations in Evergreen Cemetery in any case, but in the absence of a Site Plan he would recommend that the Application be deferred until there is a Site Plan to accompany the proposed vacations.

Mr. Banas explained that the cemetery's conceptual plan is included in the Board's information packet, including a layout of graves.

Attorney Miller explained that the cemetery would have to apply for conditional use approval, as it would mean a different Application from the one before the Board at tonight's meeting. The current Application could be deferred to go along with a conditional use approval application.

She asked Staff what the time frame might be for the Applicant to prepare a development plan. Director Brewton advised that what is needed is a "plot plan" which would show the vacated rights-of-way, as well as the location of the 5 ft. path and landscaping.

He explained that the objective is to provide a means to walk inside the cemetery without walking over plots.

Ms. Golub felt the difficulty in moving forward could be that the Board is not seeing the proposal as it is being described. She felt more documentation could clear up any misunderstanding of what is planned.

Attorney Miller felt the issue could be that the cemetery is considered a "legal nonconforming use" in its zoning District, and perhaps never sought formal conditional use approval. A substantial change, such as the one before the Board, would require this approval. Director Brewton agreed, pointing out that if only 15 ft. were being vacated and the 5 ft. were shown in the documentation, it could clear up the issue.

Mr. Stresau pointed out that the cemetery's trees have been on the property since the 1950s, and are located primarily along the edges of the rights-of-way in question. He asked where additional trees might be planted in the cemetery if not in these areas. Mr. Banas replied that "about a dozen trees a year" are planted in the cemetery, in pathways and on graves. He asserted that trees are not

removed in order to create more space for plots. Mr. Stresau requested that this issue be discussed when the Application comes before the Board again.

Vice Chair McTigue suggested finding a way for visitors to distinguish between the 5 ft. walkways and the rest of the rights-of-way. Mr. Banas noted that no such external markings currently exist, but agreed they would give the thought consideration.

Motion made by Mr. Witschen, seconded by Vice Chair McTigue, to defer the Application for Item 7 to the December 16, 2009 meeting.

Mr. Witschen asked if Evergreen Cemetery has been designated an historic property. Ms. Redding replied that it does not have an historic designation, but is considered archaeologically significant.

She continued that the issue of tree relocation was discussed with the Parks and Recreation Department at the DRC, and no trees or root lines are to be disturbed.

In a voice vote, the **motion** carried unanimously.

8. Communications to the City Commission

Director Brewton recognized the members of the Planning and Zoning Department present at tonight's meeting.

9. For the Good of the City

Mr. Stresau requested that Staff direct applicants on where notice signs should be placed prior to meetings. He advised that the sign at Evergreen Cemetery was difficult to find, as it was posted behind the fence on the property. He emphasized the importance of placing these signs where the public can see them. Director Brewton agreed to follow up with Staff on this issue.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:04 p.m.



Chair



Prototype